

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PATRICK JOHN KUSTERMANN, II,

Civil No. 05-1383 (MJD/JGL)

Plaintiff,

v.

ORDER

WELLS FARGO, N.A.,
a CA corporation,

Defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the Chief United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's "Application To Proceed Without Prepayment Of Fees And Affidavit," (Docket No. 2), is DENIED; and
2. The action is summarily DISMISSED for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(h)(3).

Dated: August 19, 2005

s/ Michael J. Davis
MICHAEL J. DAVIS
Judge, U.S. District Court